AGREEMENT BETWEEN THE REPUBLIC OF GUATEMALA AND THE UNITED STATES OF AMERICA ON RECIPROCITY IN THE FREE EXERCISE OF REMUNERATED ACTIVITIES FOR DEPENDENT FAMILY MEMBERS OF DIPLOMATIC, CONSULAR AND ADMINISTRATIVE AND TECHNICAL STAFF AND MEMBERS OF THE SUPPORT STAFF ASSIGNED TO DIPLOMATIC MISSIONS, CONSULAR OFFICES AND PERMANENT MISSIONS TO INTERNATIONAL ORGANIZATIONS.

The Republic of Guatemala and the United States of America, desiring to allow, on the basis of reciprocity, the dependent family members of employees of the Diplomatic Missions, Consular Offices and Permanent Missions to International Organizations of one Party assigned to official duty in the territory of the other Party to engage freely in remunerated activities.

Have agreed as follows:

ARTICLE 1

The dependent family members of the diplomatic, consular, administrative, technical and support staff of the diplomatic and consular missions of the Republic of Guatemala in the United States of America and of the United States of America in the Republic of Guatemala are hereby authorized to engage in remunerated activities in the receiving State, according to the internal legislation of such country, upon receipt of the appropriate authorization. This benefit shall also extend to the dependent family members of Guatemalan or United States nationals accredited to international organizations headquartered in either of those countries.

ARTICLE 2

For the purposes of this Agreement dependent family member means:

(a) Spouse.
(b) unmarried dependent children under 21 years of age, or unmarried dependent children under 23 years of age who are full-time students at a post-secondary school or at an educational institution; and
(c) unmarried dependent children who are physically or mentally disabled.

ARTICLE 3

There shall be no restrictions as to the nature or type of employment that may be performed. It is understood, however, that in professions or activities requiring special skills or qualifications the dependent family member shall be required to comply with the rules governing the exercise of such professions or activities in the receiving State.

ARTICLE 4

Requests for employment authorization to perform a remunerated activity shall be submitted by the respective Diplomatic Mission via Note Verbale to the Ministry of Foreign Relations of the receiving State. Such request shall accredit the family relationship between the applicant and the employee. Once the applicant has demonstrated that he/she falls into one of the categories defined in ARTICLE 2, the Ministry of Foreign Relations of the receiving State shall process the request in accordance with its internal legislation and will notify the Embassy of the accrediting State.

ARTICLE 5

The Government of the Republic of Guatemala and the Government of the United States of America hereby confirm that the immunities of dependent family members who obtain employment under this Agreement, shall be governed by the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Convention of Privileges and Immunities of the United Nations or any other international instrument, as appropriate.

ARTICLE 6

A dependent family member who performs remunerated activities in the Receiving State shall be subject to the applicable tax and social security laws with respect to such activities.

ARTICLE 7

This Agreement shall not imply any recognition of titles, degrees or studies between the two countries.

ARTICLE 8

Authorization to engage in remunerated activities in the receiving State shall expire at the time that the diplomatic or consular agent, official, or administrative, technical or support staff member of whom the employee is the dependent, terminates his/her duties with the government or international organization to which he is accredited.

ARTICLE 9

The parties undertake to adopt such measures as may be necessary to implement this Agreement.

ARTICLE 10

Either of the Parties may denounce this Agreement by means of written notification to the other Party and by diplomatic channels of their intention to denounce it. The denunciation shall have effect on the first day of the third month following the date of such notification.

ARTICLE 11

1. This Agreement shall enter into force on the date of the later of the two notes from the Parties informing each other that they have complied with the requirements under their respective domestic laws for the conclusion or international agreements and its term shall be indefinite.

2. The amendment or termination of this Agreement shall not affect the validity of authorizations for employment already granted under the Agreement, except if the Parties agree otherwise.

Given at Guatemala City, on April twenty-five 2007, in two original copies in the Spanish and English languages, both being equally authentic.

For the Government of the Republic of Guatemala

GERT ROSENTHAL
Ministry of Foreign Affairs

For the Government of United States of America

JAMES DERHAM
Ambassador Extraordinary and Plenipotentiary